

BEFORE THE DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION
OF THE STATE OF MONTANA
WATER RESOURCES DIVISION

IN THE MATTER OF PETITION TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (DNRC) FOR ESTABLISHMENT OF THE NORTH HILLS CONTROLLED GROUND WATER AREA NO. 41I-116636. PUBLIC NOTICE OF REINSTATEMENT OF THE NORTH HILLS TEMPORARY CONTROLLED GROUND WATER AREA AND HEARING TO DECIDE WHETHER TO ALLOW THE TEMPORARY DESIGNATION TO EXPIRE OR TO MAKE A PERMANENT DESIGNATION.

The North Hills Temporary Controlled Ground Water Area which was designated on October 11, 2002, and expired October 11, 2006, has been temporarily REINSTATED as a result of a stipulation and order of the First Judicial District for Lewis and Clark County dated April 12, 2007. The North Hills Temporary Controlled Ground Water Area is reinstated for a period of 12 months from April 12, 2007, or the date upon which the DNRC issues a final order after the hearing noticed below, whichever is earlier. The North Hills Temporary Controlled Ground Water Area is comprised of a 52.5 square mile area within Sections 1-19, Township 11 North; Sections 1-3, E½ 4, E½ 9, 10-15, 22-24, Township 11 North, Range 4 West; Sections 26-35, Township 12 North, Range 3 West; Sections 21-23, 25-28, E ½ 33, 34-36, Township 12 North, Range 4 West, Lewis and Clark County, Montana.

The purpose of the reinstatement is to gather additional information on aquifer fractures, faults, and characteristics; aquifer recharge; and aquifer withdrawals to determine if withdrawals exceed recharge (capacity of the aquifer); and if new wells will impair or substantially interfere with other ground water wells; and if there is a contaminant plume developing that will be affected by withdrawals.

Pursuant to Mont. Code Ann. § 85-2-507, the DNRC will hold a public hearing on **January 8, 2008** commencing at 1:30 p.m. in the auditorium of the Department of Public Health and Human Services, 111 N Sanders, Helena, Montana. (Please enter on the north side of the building.) The Department will take evidence and testimony on the termination of the North Hills Temporary Controlled Ground Water Area and the designation of a permanent North Hills Controlled Ground Water Area. **This is the time and place for all persons with any information relevant to the designation of a Controlled Ground Water Area in the North Hills to present evidence and information and be heard.** The Department will base its decision on the evidence and information presented at this hearing and in the Department's record for this proceeding. The record for this proceeding can be viewed during normal business hours of the Department at 1424 Ninth Avenue, Helena, Montana

At 10:00 a.m. on **December 13, 2007** in the auditorium of the Department of Public Health and Human Services, 111 N Sanders, Helena, Montana (please enter on the north side of the building.), the hearing examiner appointed by DNRC will hold a pre-hearing conference to address and/or clarify issues relating to the conduct of the hearing and presentation of evidence and argument, and to establish a schedule for the issuance of a proposal for decision,

presentation of exceptions (if any), and the issuance of a final decision on or before the expiration period provided above.

In accordance with the reinstatement of the North Hill Temporary Controlled Ground Water Area, the following requirements are applicable to those persons proposing to appropriate new, existing or replacement wells after April 12, 2007, and are located within the North Hills Temporary Controlled Ground Water Area:

A. DRILLING A WELL: Installation of $\frac{3}{4}$ " (inside diameter) access (sounding) tube (preferably PVC) installed to within 5 feet above the pump (*usually easiest to install at time of drilling*);

B. NEW OR EXISTING WELL: File DNRC Form 602/NHCGWA, "Notice of Completion of Ground Water Development, North Hills Temporary Controlled Groundwater Area (NHCGWA)" and include payment of a \$50.00 filing fee. An initial water sample tested for Coliform Bacteria, Chloride and Nitrates, must be included with the application.

C. REPLACEMENT WELL (*Wells that replace existing wells that have a valid water right*): File DNRC Form 634, "Replacement Well Notice," and include payment of a \$50.00 filing fee. An initial water sample tested for Coliform Bacteria, Chloride and Nitrates, must be included with the application.

The required forms are available on the Internet at: <http://www.dnrc.mt.gov/wrd>.

If you have questions or need additional information, please contact Jan Langel, Helena Water Resources Regional Manager, at 406-444-6602. The Department makes reasonable accommodation for any disability that may interfere with an individual's ability to attend these hearings. For consideration of any such accommodation, please contact Jamie Price, Hearing Assistant, at 406-444-6615 (TTD number 406-444-6873) as soon as possible before the hearing date.